

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ORDER

Plaintiff Everett Houck filed this action against the Honorable Noma Gurich seeking relief under 18 U.S.C. § 242.¹ Specifically, he requests “a criminal investigation of the judges in the state of Oklahoma and a return to honesty in the court system.” Complaint, p. 1. Plaintiff’s claims appear to arise out of a foreclosure action in state court that has been the basis for several lawsuits filed in federal court, including Houck v. Ball, CIV-12-840-HE (W.D.Okla. Aug. 3, 2012), *aff’d*, 2012 WL 5909612 (10th Cir. 2012) and Houck v. Ball, CIV-12-1218-HE (W.D.Okla. Nov. 5, 2012), *appeal docketed*, No.12-6301 (10th Cir. Nov. 26, 2012).

Plaintiff has not pleaded a basis for the court's subject matter jurisdiction. The parties do not appear to be diverse and the statute plaintiff relies on is a criminal statute which does not provide a private right of action. Plaintiff also has failed to state a claim as the action challenged – the dismissal of plaintiff's appeal to the Oklahoma Supreme Court – was taken

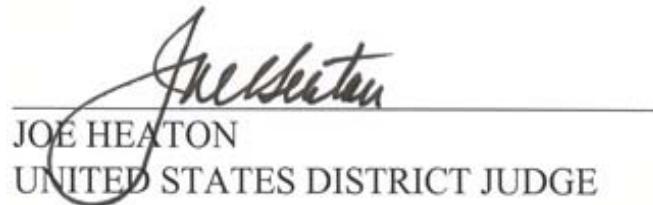
¹ Plaintiff has made essentially the same allegations in a separate lawsuit filed against the undersigned judge. However, the court concludes that recusal is not required. See Azubuko v. Royal, 443 F.3d 302, 304 (3d Cir. 2006).

by Justice Gurich in her judicial capacity. *See Adkins v. Johnson*, 482 Fed. Appx. 318, 319 (10th Cir. 2012) (unpublished) (“[E]xcept where a judge has acted ‘in the clear absence of all jurisdiction,’ the doctrine of judicial immunity shields [a] judge from liability for the judge’s official adjudicative acts.”) (quoting *Lundahl v. Zimmer*, 296 F.3d 936, 939 (10th Cir. 2002)), *cert. denied*, 133 S.Ct. 439 (2012).

Accordingly, the court *sua sponte* dismisses plaintiff’s claim against Justice Gurich. Because amendment would be futile, plaintiff’s complaint is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

Dated this 30th day of January, 2013.



JOE HEATON
UNITED STATES DISTRICT JUDGE